

John Rozsa



CALIFORNIA TRUCKING ASSOCIATION

January 25, 2006

Dr. Robert F. Sawyer, Chair  
California Air Resources Board  
1001 I St.  
Sacramento, CA 95812

RE: Proposed Amendments to the Heavy-Duty Vehicle Smoke Inspection Program  
(Implementation of AB 1009, Pavley 2004, Ch. 873)

Dear Dr. Sawyer:

The California Trucking Association (CTA) and its 2,500 members supported AB 1009 (Pavley), the legislation that directed ARB staff to develop an inspection protocol to determine whether engines in trucks operating in California meet the federal engine emission standards for each engine's model year. CTA supported the bill because our members felt that it would not only level the playing field for California truckers complying with federal emission standards, but would help the state implement a program to reduce emissions from international vehicles that would otherwise be outside of its control. However, the Proposed Amendments to the Heavy-Duty Vehicle Smoke Inspection Program before your Board, proposed to meet the AB 1009 requirements, will punish truck owners whose trucks meet the federal emission standards simply because their engine emission control labels (ECL) are missing, damaged, or obscured. This violates the spirit and intent of AB 1009, and CTA cannot support the regulation in its current form.

AB 1009 was passed to ensure that all trucks operating in California meet federal engine emission standards. The sunset of the "fix-it" citation after the first year in §2185 (3) (A) and §2185 (3) (B) of the proposed amendments is gratuitously punitive, enabling ARB enforcement staff to levy penalties for first-time citations on truck owners that are actually in compliance with the law. Engine ECLs can be damaged in the normal course of truck maintenance by standard actions such as pressure washing the engine. Many vehicles with damaged, missing or obscured labels still meet the intent of AB 1009 and do not damage air quality any more than an engine with an intact ECL. The "fix-it" citation should remain in the regulation indefinitely so that truck owners have the opportunity to replace labels on compliant engines that do meet the intent of the law.

In accordance with the spirit and intent of AB 1009, CTA will support the proposed amendments only if the following changes are made:

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§2185 (3) Penalties for a Tampered ECL under section 2183.

(A) An owner of any heavy-duty vehicle shall receive a Citation each time ARB finds that the vehicle has a tampered ECL. ~~For the first year~~ Following the effective date of the amended regulation, [date to be inserted], if the owner demonstrates to ARB that a new label has been affixed to the vehicle's engine within 45-days of receipt of the Citation pursuant to section 2186(d) below, no penalty shall be assessed. An owner of a heavy-duty vehicle who has been issued a Citation for a tampered ECL label and who has failed to have a replacement label affixed to the engine within 45-days of service of the Citation as set forth in section 2186(a)(3) below shall be subject to a \$300 penalty.

~~(B) After the first year from the effective date of the amended regulation, [date to be inserted], the owner shall receive a citation which may not be waived, assessing the owner a \$300 penalty.~~

CTA asks the Board to accept these changes to the proposed amendments to prevent ARB enforcement staff from unfairly penalizing compliant truck owners. Please contact me at (916) 373-3548 if you would like to discuss this matter further.

Sincerely,



Stephanie Williams  
Senior Vice President

CC: Members of the California Air Resources Board  
Dr. Alan Lloyd, California Environmental Protection Agency  
Catherine Witherspoon, California Air Resources Board